

# AGENCY RANGE PROGRAM COMPARISONS

## New Mexico State Land Office



## Bureau of Land Management



## Agricultural Lease or Permit

Authorizes, through an agricultural lease, the right to State Land for the production of crops and other natural resources beneficial to livestock and wildlife.

It may be subject to such other rights and uses as the Commissioner of Public Lands may authorize.

Authorizes grazing by permit within grazing districts and by lease outside grazing districts.

There are important differences in base property requirements between a BLM grazing lease and permit. You can find out the boundaries of the grazing districts at local BLM offices.

## Base Property

Does not have a base property requirement.

Has a base property requirement for grazing permittees and lessees. A grazing preference has priority for receiving a grazing permit or lease. This priority is attached to base property owned or controlled by the permittee or lessee.

## Collateral

Allows a rancher to use the lease as collateral with a lending institution. Collateral assignment shall have prior written consent of the Commissioner and payment of a collateral assignment filing fee.

Allows a rancher to use the lease or permit as collateral with a lending institution.

## Grazing Capacity Livestock Stocking Levels

The NMSLO has a carrying capacity established for the lease. It uses carrying capacity as part of a formula to determine the annual rent for the lease. According to 19.2.8.11 N.M.A.C., the annual rental for grazing land is determined as follows:

$\$0.0474 \text{ (Base Value)} \times \text{Carrying Capacity (CC)} \times \text{Acreage} \times \text{Economic Variable Index (EVI)}$

When BLM lands compose only a minor part of the allotment or use area, the BLM may not determine the annual stocking levels. However, where BLM has the majority of the land, it will determine the acceptable stocking levels in the permit or lease.

## Fees Due for the Lease or Permit

Fees are set annually by formula based on an animal unit month similar to the BLM. The current fee is \$5.99 per animal unit month (AUM).

BLM fees are set annually by formula based on an animal unit month. An AUM is the amount of forage necessary for one cow or its equivalent for a period of one month. Currently, the fee is \$1.87 per AUM.

## Subleases

Maybe entered only with the prior written consent of the Commissioner and payment of the filing fee. An agricultural sublease is a transaction or arrangement whereby a lessee grants to another rights or interests conveyed to the lessee by an agricultural lease.

A sublease is created when the lessee transfers to another either the possession of the leased premises, or a portion of it, or the management and control of crops and other products located on the leased premises.

The surcharge for a sublease is the current annual rental fee plus an amount equal to 20 percent of the current

Requires the permittee or lessee to own or control the livestock. Where the livestock are not owned by the permittee or lessee, the permittee/lessee must notify the BLM and pay an additional sublease surcharge. The surcharge is currently \$4.25 per AUM.

## Water Rights

Water rights owned by the BLM or the Commissioner will be transferred to the other party.

## Kind and Class of Livestock

May lease state trust land for kind and class of livestock which is determined to be in the best interest of the trust.

No approval is needed to switch class or kind of livestock, and no terms and conditions are set governing kind and class of livestock allowed on state trust land.

Establishes the permit or lease with an acceptable kind or type of livestock. The rancher must get BLM's approval to switch.

If a rancher wants to run a specific class of livestock, such as yearlings, and run additional livestock as a result of the smaller animal, they must have the BLM's prior approval.

## Rancher Access

Does not place specific access restrictions on lessee mode of travel or limitations on off road travel. Off-highway vehicle (OHV) use is restricted to existing roads.

All BLM lands are normally available for rancher access via foot, horseback, or existing roads. However, there may be restrictions on offroad travel that would apply to ranchers as well as others. Access restriction information is available at local BLM offices. OHV access to lands acquired in this exchange would be limited to existing roads and trails.

## Range Improvements

Improvements shall not be placed, made, or developed without prior consent of the Commissioner including design, manner of placement, location, and construction. Application to place an improvement on State Lands can only be made by the lessee prior to placement or construction of improvement. Range improvements are authorized through an application process and only with the lessee who holds the improvements.

Unauthorized improvements are subject to removal if deemed by the Commissioner to be in the best interest of the trust. The State Land Office will recognize rancher investments for authorized improvements where loss of the lands is due to sale or release, and are subject to compensation for the appraised value of the improvement. Maintenance is the responsibility of the lease holder. Unauthorized improvements, at the discretion of the Commissioner, may be recognized at no more than 75 percent. Application to Validate Improvements may be entered and only with the lessee who holds the improvements.

In an exchange situation, when the Commissioner issues a new Agricultural Lease, the lease will recognize the existing improvements as belonging to the grazing lessee.

Title to the BLM improvements attached to the land being transferred will be transferred to the grazing lessee and a list of these improvements will be provided to the Commissioner. The value of the improvements shall be considered in the appraised value.

Must approve all range improvement proposals including the design in advance. Range improvements can be authorized by a Permit or Cooperative Agreement. A Cooperative Agreement is most common.

Permits and Agreements of range improvement projects do not convey to the permittee any right, title, or interest in any lands or resources held by the United States.

Proper credit of the permittee's interest and contributed funds in the range improvement will be documented by the BLM for purposes of recognition of the investment. The BLM will recognize the rancher's investment under either authorization and are subject to compensation for the value of the improvement. Maintenance is the responsibility of the permittee.

In an exchange situation, the BLM will issue a Cooperative Agreement to recognize ownership of range improvements on lands acquired by BLM.

## Renewal

Leases expire every five years. Competitive Bid applications may be submitted during a 30-day period prior to lease expiration (typically September - 30). Upon receipt of simultaneous applications, the lease shall be awarded to the bidder offering the highest annual rental amount.

The current lessee can retain the lease by following the application process and matching the highest annual rental offered by other bidders for the lease.

The existing permit or lease holder has a priority for renewal with the BLM, providing they have a good track record and, for the most part, have been in compliance with the terms and conditions of the Federal permit/lease.

The BLM must do a number of analyses in compliance with the National Environmental Policy Act prior to reissuing the permit or lease. Normally, they are reissued after the analysis.

## Tenure

Normally issues agricultural leases for up to 5 years.

Normally issues grazing leases and permits for up to 10 years.

## Termination

May terminate a lease for just cause. The Commissioner may enter lease cancellation 30 days after providing the lessee with notice of default. Where a withdrawal from agricultural lease is initiated, the Commissioner will give notice 90 days prior to the date the withdrawal is to take effect. The lessee is entitled to compensation for improvements.

May terminate a lease or permit for just cause. Where it terminates an authorization due to grazing exclusion, the BLM must provide a two-year notice to the permittee or lessee and allow the removal of the range improvements or compensate the rancher for the value of the improvements.

## Public Access

Since the NMSLO authorizes the right to use the surface of specified state lands to the lessee, public access and use is therefore restricted except where allowed by the state lease, right-of-way, hunting and fishing regulation, right of entry, or recreation permit.

Oil and Gas development and production may be allowed on state trust lands, but must be authorized and monitored by the NMSLO.

Where there is legal access to public lands, the BLM-managed lands normally are open for public use and recreation. The public use is managed by the BLM rather than the grazing permittee or lessee.

Commercial or surface-disturbing uses normally must be authorized. There may be restrictions on public use of the lands. For example, dumping of trash and litter are prohibited. OHV use may also be restricted.

Hunting and shooting normally are allowed, but commercial hunting and guide services must be authorized by the BLM. Oil and gas development and production may be allowed, but must be authorized and monitored by the BLM. Lands acquired in this exchange will be closed to future oil and gas leasing.

## Permits and Leases on Acquired Lands

Will honor existing grazing permits or leases, and will be governed by the NMSLO terms and conditions in effect at the time of acquisition.

Will honor existing grazing permits or leases, and will be governed by the terms and conditions in effect at the time of acquisition by the BLM (and are not subject to rules governing permit or lease qualification requirements).

A Memorandum of Understanding between the State Land Office and the BLM dated June 22, 2000, states that, "the exchanges should not interfere with ranching operations. Unless the land is to be dedicated to a use that would preclude grazing, the range user will have the preference to obtain grazing authorization from the new landowner." Where lands have been acquired by the NMSLO through exchange, the BLM will issue a two-year notification, and the lands will be transferred.

For more information about NMSLO leases, please contact your local District Resource Manager or the New Mexico State Land Office at (505)-827-5760.

For more information about a specific BLM grazing permit or lease, please contact your local field office:  
[www.blm.gov/contact/new-mexico](http://www.blm.gov/contact/new-mexico).